



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: PC 17-079, **Version:** 1

PLN130339 - COLLINS

Public hearing, continued from August 30, 2017, to: adopt a resolution recommending the Board of Supervisors not adopt the Mitigated Negative Declaration and not adopt an ordinance to rezone; and adopt a resolution to continue the hearing on the Combined Development Permit to a date uncertain, after the determination of the rezoning request.

Project Location: 83 Mt. Devon Road, Carmel (APN: 241-021-007-000)

Proposed CEQA Action: Mitigated Negative Declaration Prepared

RECOMMENDATION:

It is recommended that the Planning Commission:

- 1) Adopt a resolution recommending the Board of Supervisors: not adopt the Mitigated Negative Declaration; and not adopt an ordinance to rezone the property from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr (CZ)]; and
- 2) Adopt a resolution to continue the hearing to a date uncertain, after the determination of the rezone, on the Combined Development Permit, consisting of:
 - a. Coastal Administrative Permit and Design Approval to allow construction of a 2,397 square foot two-story single family dwelling with a 409 square foot attached garage and 143 square foot mechanical room;
 - b. Coastal Administrative Permit to establish a domestic well;
 - c. Coastal Development Permit to allow the removal of one 14-inch and one 18-inch Monterey pine tree;
 - d. Coastal Development Permit to allow development within 100-feet of an environmentally sensitive area;
 - e. Coastal Development Permit to allow development on slopes in excess of 30%.

The attached resolutions include findings and evidence for consideration (**Exhibits A and B**).

PROJECT INFORMATION:

Agent: Robert Carver

Property Owner: James G & Sook Collins

APN: 241-021-007-000

Parcel Size: 2.98 acres

Zoning: "RC(CZ)" Resource Conservation, Coastal Zone.

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

SUMMARY:

On August 30, 2017, the Planning Commission considered a request by the applicant to rezone the subject property from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr(CZ)] and to grant discretionary permits for construction of a single family dwelling, garage, and domestic well. The project also includes the removal of two protected Monterey Pine

trees, development within 100-feet of an environmentally sensitive habitat area, and development on slopes in excess of 30%.

The Planning Commission adopted a motion of intent to deny the rezoning request based on finding sufficient evidence that there was an intent to preserve the entire subject property in perpetuity by prohibiting residential development and that the current RC(CZ) zoning was placed on the property to forward this intent. In addition, with regard to the development project, the Commission cited that the overwhelming public interest suggests that continuance of this project is appropriate until the rezone has been determined.

The Planning Commission continued the hearing to September 27, 2017 in order to permit preparation of resolutions based on the motions of intent. The attached draft resolution (**Exhibit A**) contains the Planning Commission's written recommendation to the Board of Supervisors to not adopt the Mitigated Negative Declaration and not adopt the ordinance for the rezone and the reasons for the recommendation. Because the Commission postponed the hearing on the Combined Development Permit pending a final determination on the rezone, staff prepared a separate resolution (**Exhibit B**) to continue the hearing on the Combined Development Permit to a date uncertain. This will allow resolution of the rezone to occur prior to action on the permit.

FINANCING:

Funding for staff time associated with this project is included in the FY2017-18 Adopted Budget for RMA-Planning.

Prepared by: Anna V. Quenga, Associate Planner ext. 5175

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution for Rezone

- Attachment 1 - Draft Rezone Ordinance

Exhibit B - Draft Resolution for Combined Development Permit

Exhibit C - Public Comments

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Robert Carver, Agent; James G. Collins, Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Jacqueline R. Onciano, RMA Chief of Planning; Brandon Swanson, RMA Services Manager; Anna V. Quenga, Associate Planner; Marc Davidian, Gwyn De Amaral, Meghan De Amaral, Zane De Amaral, Jim and Dolores King; Tracy Piazza-Leaton, Brian Wilson, and Gary Fontana (Interested Parties); Project File PLN130339.